



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 27 2018

REPLY TO THE ATTENTION OF:

Maile E. Beres
Borgelt Powell Peterson
1243 North 10th Street
Suite 300
Milwaukee, Wisconsin 53205

Re: Freedom of Information Act Request
EPA-R5-2018-002822

Dear Ms. Beres:

This letter responds to your Freedom of Information Act (FOIA) request dated December 21, 2017. You requested from the U.S. Environmental Protection Agency documents pertaining to the former Milwaukee Die Casting Company site, located at 4132 N. Holton Street, Milwaukee, Wisconsin. Specifically, you requested 1) Pharmacia's responses to EPA's requests for information; 2) Fisher's responses to EPA's requests for information; 3) Schroeder Estate responses to EPA's requests for information; and 4) Pharmacia's and Fisher's response to EPA's demand for past oversight costs in the approximate amount of \$500,000. This is the Office of Regional Counsel's response to your FOIA request.

EPA's response to your request was originally due on January 23, 2018. On February 2, 2018, you narrowed your request to exclude documents which were responsive to your October 3, 2016, FOIA request (EPA-R5-2017-000026). On February 26, 2018, you requested that we send you the response electronically if possible.

EPA will be providing some of the records responsive to your request through the FOIA Online system. You will receive a notice from the Region 5 FOIA Office that will provide you with a link to access the releasable records electronically. An index of the records the Office of Regional Counsel is releasing is enclosed with this letter (Enclosure A). We are unable to provide you with other records or portions of other records that are responsive to your request because we have determined that they are exempt from mandatory disclosure under Exemptions 4, 6, and 7(A) of FOIA, 5 U.S.C. §§ 552(b)(4), (b)(6), and (b)(7)(A). Exemption 4, 5 U.S.C. § 552(b)(4), protects "trade secrets and commercial or financial information" that is privileged or confidential. Exemption 6, 5 U.S.C. § 552(b)(6), protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), authorizes EPA to withhold records and information compiled for law enforcement purposes if producing such law enforcement information or records "could reasonably be expected to interfere with enforcement proceedings."

Furthermore, we are unable to provide you with certain records and portions of records responsive to your request because they have been claimed confidential and may contain trade secrets or commercial or financial information that is exempt from disclosure under 5 U.S.C. § 552(b)(4). Pursuant to 40 C.F.R. § 2.204(d)(1), I am initially denying your request because further inquiry is required before EPA can make a final determination about the records' releasability. We will consult with the third parties in connection with their business confidentiality claims covering these records and the Office of Regional Counsel will issue a final confidentiality determination.

An itemized list of the withheld records, along with the basis for withholding and an estimate of the volume of withheld records, is provided in Enclosure B.

If a fee is applicable you will receive an invoice from the Region 5 FOIA Office.

As noted above, the information withheld under Exemption 4 will be reviewed by the appropriate legal office, which will issue a final confidentiality determination. Therefore, you do not need to appeal the withholding of information under Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response by email at hq.foia@epa.gov or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. Appeals received after 5:00 pm EST will be considered received the next business day. The Agency will not consider appeals received after the 90-calendar-day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA tracking number shown above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail to the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

Please contact Robert Hartzler at (312) 886-5889 or hartzler.robert@epa.gov if you have any questions about this matter.

Sincerely,



T. Leverett Nelson
Regional Counsel

Enclosure A
Index of Released Records

Author's Name	To/From Information	Date	Subject/Title	Number of Pages
Philip Halley	Halley to William Ryczek	7/1/11	Schroeder Trust Response to Information Request	2
Philip Halley	Haley to Matthew Moore	7/18/11	Schroeder Trust Response to Information Request	6
Philip Halley	Haley to Matthew Moore	8/3/11	Schroeder Trust Response to Information Request	9
Michael Robinson	Robinson to Kyczek	4/11/11	Pharmacia Response to Information Request	1,840
Michael Robinson	Robinson to Kyczek	4/22/11	Pharmacia Response to Information Request	1
Scott Watson	Watson to Ryczek	11/23/11	Pharmacia Response to Information Request	16

Enclosure B
Index of Records Fully or Partially Withheld

Author's Name	To/From Information	Date	Subject/Title	Number of Pages Withheld	Reason for Withholding	Exemption
Stephen Markus	Markus to William Ryczek	7/26/11	Fisher Response to Information Request ⁶	2,183	CBI, PII	4, 6
Stephen Markus	Markus to Ryczek	11/2/11	Fisher Response to Information Request ⁷	2,185	CBI, PII	4, 6
Philip Halley	Haley to Matthew Moore	7/18/11	Schroeder Trust Response to Information Request	114	PII	6
Philip Halley	Haley to Moore	8/3/11	Schroeder Trust Response to Information Request	Less than 1	PII	6
Michael Robinson	Robinson to Kyczek	4/11/11	Pharmacia Response to Information Request ⁸	5,000	CBI, PII	4, 6
Scott Watson/ Michael Robinson	Watson/Robinson to Kyczek	4/11/11	Pharmacia CBI Response to Information Request	415	CBI	4
Michael Robinson	Robinson to Kyczek	4/22/11	Pharmacia Response to Information Request ⁹	2,900	CBI	4
Scott Watson	Watson to Ryczek	11/23/11	Pharmacia CBI Response to Information Request	40	CBI	4
Scott Watson	Watson to Ryczek	11/23/11	Pharmacia Response to Information Request ¹⁰	197	CBI, PII	4, 6

⁶ See documents released under FOIA number EPA-R5-2017-000026 for releasable portions of this record.

⁷ See footnote 7.

⁸ See footnote 7.

⁹ See documents released from Pharmacia's 4/11/11 Response to Information Request. See also footnote 7.

¹⁰ See footnote 7.

Enclosure B
Index of Records Fully or Partially Withheld Cont'd

Author's Name	To/From Information	Date	Subject/Title	Number of Pages Withheld	Reason for Withholding	Exemption
Scott Watson/ Michael Robinson	Watson/Robinson to Ryczek	6/23/11	Letter from Robinson (Warner Norcross)	1	CBI	4
Ben Clapp, Elizabeth Malone, Don Frost	Clapp/Malone/ Frost to Garypie/Halbur	12/2/14	Letter from Clapp/Malone/Frost (Skadden, Arps)	9	CBI; interferes with enforcement proceedings	4, 7(A)